

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 21, 22, 25-31, 34-41, and 46-60 are currently pending. Claims 21, 22, 25-30, 34-41, and 46-60 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claim 51 was objected to as containing an informality; Claims 21, 22, 25-31, 34-41, and 46-60 were rejected under 35 U.S.C. § 101; and Claims 21, 22, 25-31, 34-41, and 46-60 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,486,790 to Selinfreund et al. (hereinafter “the ‘790 patent”).

Applicants respectfully submit that the objection to Claim 51 is rendered moot by the present amendment to that claim. Accordingly, the objection is believed to have been overcome.

Applicants respectfully submit that the rejection of the claims under 35 U.S.C. § 101 is rendered moot by the present amendment to the claims. The claims have been amended to recite a non-transitory storage medium throughout. Accordingly, the rejections are believed to have been rendered moot.

Amended Claim 21 is directed to:

A non-transitory storage medium having stored thereon data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data, the content cells being linked in accordance with the navigation data, wherein the content cells and at least one of said navigation data are arranged such that accessing the data on the storage medium in a copy mode, in which the data are to be copied from the storage medium onto a recordable record carrier and the content cells are not accessed according to said navigation data, provides disturbed data access of reduced quality, whereas accessing the data on the storage medium in a reproduction mode, in which the content cells are

accessed according to said navigation data, provides undisturbed access,

the cells further comprising at least one reproduction obstructing cell physically stored before or after a linked content cell, said at least one reproduction obstructing cell forming part of said cells and being arranged such that access in said reproduction mode includes navigating around said at least one reproduction obstructing cell when linked content cells are accessed, whereas access in said copy mode includes accessing linked content cells in addition to said at least one reproduction obstructing cell.

The changes to Claim 21 are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the rejection of Claim 21 is rendered moot by the present amendment to that claim.

The '790 patent is directed to a method for controlling access to a storage medium, wherein light sensitive material is adapted to change state and affect reading of the storage medium, so as to control access to data that is stored on the storage medium. In particular, the '790 patent discloses that a light-sensitive material is characterized by displaying at least two different optical states to an optical reader, the first optical state occurring prior to exposure to an activating radiation, and the second optical state occurring after exposure to the activating radiation. Thus, the '790 patent discloses that the light-sensitive material can be used to determine whether a CD, for example, is authentic, by scanning the CD for light-emitting regions, exposing the CD to light to cause a change in the state, followed by a subsequent scan for the light-emitting regions.

Further, the '790 patent discloses that the light-sensitive material may have a persistence, e.g., a time period in which the light-sensitive material remains in an altered state before changing to another state. Further, the '790 patent discloses that if the light-sensitive materials are chosen so that their presence cannot be detected during a single read using

¹ See, e.g., page 15, lines 7-17 and page 15, lines 36-40, as well as page 13, lines 27-30 in the specification.

oversampling, e.g., delay time is greater than the total read time including oversampling, the reader may be directed to reread the same area of the medium a short time after the initial read, and the light sensitive material may have changed state.²

However, Applicants respectfully submit that the '790 patent fails to disclose a storage medium having stored thereon data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data, the content cells being linked in accordance with the navigation data, wherein the content cells and at least one of the navigation data are arranged such that accessing the data on the storage medium in a copy mode, in which the data are to be copied from the storage medium onto a recordable record carrier and the content cells are not accessed according to the navigation data, provides disturbed data access of reduced quality, whereas accessing the data on the storage medium in a reproduction mode, in which the content cells are accessed according to the navigation data provides undisturbed access, as recited in amended Claim 1.

On the contrary, the '790 patent discloses data that is arranged in tracks. In this regard, Applicants note that the Office Action asserts that the claimed navigation data relates to the tracks and sectors disclosed by the '790 patent. However, Applicants respectfully submit that such interpretation is inconsistent with amended Claim 21, which requires that the cells be addressable units of the stream, and that the stream includes content cells and navigation data. Thus, in Claim 1, the navigation data is part of the stream and the cells are addressable units of the stream.

Further, Applicants note that amended Claim 1 clarifies that, when accessing data in a copy mode, in which the data are to be copied from the storage medium onto a recordable record carrier and the content cells are not accessed according to the navigation data, disturbed data access of reduced quality is provided. In this regard, Applicants note that page

² See the '790 patent, column 9, lines 6-12.

3 of the Office Action cites to column 3, lines 7-21 in the '790 patent regarding the copy mode recited in Claim 21. However, Applicants note that this passage in the '790 patent refers to the download of a data file from a network to the computer in a form that is unplayable in the absence of the code provided by the light sensitive material on the medium so that playable copies are provided only when recorded onto media that contains the proper sequence of light sensitive material in or on the medium. However, Applicants respectfully submit that the copy mode disclosed by the '790 patent is different from the copy mode recited in Claim 21, in which data is to be copied from the storage medium onto a recordable record carrier.

Further, Applicants respectfully submit that the '790 patent fails to disclose that cells further comprise at least one reproduction obstructing cell physically stored before or after a linked content cell, the at least one reproducing obstructing cell forming part of the cells and being arranged such that access in the reproduction mode includes navigating around the at least one reproduction obstructing cell when linked content cells are accessed, as recited in amended Claim 21. In particular, Applicants note that Claim 21 has been amended to clarify that the at least one obstructing cell forms part of the cells in the stream, when the cells are addressable units of the stream. On the contrary, the '790 patent merely discloses light sensitive material 21 that may be added to the storage medium, as shown in Fig. 2 of the '790 patent. Columns 7-9 in the '790 patent describe the types of light sensitive material that can be used in the '790 system. However, as discussed above, the light sensitive material 21 that is positioned on the medium 20 does not form part of the cells that are addressable units of the stream that is included in the data stored on the storage medium, as required by Claim 21.

Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 21 (and all associated dependent claims) is rendered moot by the present amended to Claim 21, and that Claim 21 patentably defines over the '790 patent.

Claims 30, 49, and 51 recite limitations analogous to the limitations recited in Claim 21 and have been amended in a manner analogous to the amendment to Claim 21.

Accordingly, for the reasons stated above, Applicants submit that the rejections of Claims 30, 49, and 51 are rendered moot by the present amendment to those claims.

Amended Claim 39 is directed to:

A method for producing at least one copy of at least a portion of data stored on a first non-transitory storage medium, the first storage medium having stored thereon data representing at least one a stream of content cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data, the method comprising:

linking the content cells in accordance with the navigation data, wherein to produce the at least one copy, data representing the at least one stream of cells is accessed in accordance with the navigation data, and wherein said accessed data is transferred as a copy to a second non-transitory storage medium.

The changes to Claim 39 are supported by the originally filed specification and do not add new matter.

In a non-limiting example, Applicants note that Claim 39 has been amended to clarify that the first storage medium has stored thereon data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data and the method including linking the content cells in accordance with the navigation data (wherein the navigation data is part of the stream of cells).

Applicants respectfully submit that the '790 patent fails to disclose this limitation. Rather, the '790 patent merely discloses that the storage medium has various tracks and sectors, but as discussed above, the '790 tracks and sectors cannot correspond to the navigation data recited in Claim 39, because the '790 tracks and sectors are not part of the stream having cells that are addressable units of the stream, as recited in amended Claim 39.

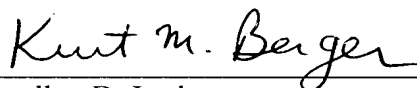
For the reasons stated above, Applicants respectfully submit that the rejection to Claim 39 is rendered moot by the present amendment to that claim.

Thus, it is respectfully submitted that independent Claims 21, 30, 39, 49, and 51 (and all associated dependent claims) patentably define over the '790 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Kurt M. Berger, Ph.D.
Registration No. 51,461